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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

MACARTHUR THOMPSON,) Case No.
))
Plaintiff,) **COMPLAINT FOR VIOLATION**
) **OF FEDERAL FAIR DEBT**
 vs.) **COLLECTION PRACTICES ACT**
) **AND INVASION OF PRIVACY**
CAPITAL MANAGEMENT)
SERVICES, LP,)
))
Defendant.)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, MacArthur Thompson, is a natural person residing in the State of Washington, County of Benton, and City of Kennewick.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Capital Management Services, LP, (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
 2 including but not limited to:

- 4 a. Threatening to take an action against Plaintiff that cannot be legally
 taken or that was not actually intended to be taken, including
 threatening to inform Plaintiffs commanding military officers about his
 debt (§ 1692e(5));;
- 5 b. Falsely representing or implying that Plaintiff had committed a crime or
 other conduct, in order to disgrace Plaintiff, including accusing Plaintiff
 of committing an action for which he would be subject to discipline by a
 military tribunal (§ 1692e(7));
- 6 c. Failing to notify Plaintiff during the initial communication with Plaintiff
 that the communication was an attempt to collect a debt and any
 information obtained would be used for that purpose (§ 1692e(11));
- 7 d. Overshadowing the disclosures required by 15 USC § 1692g(a) during
 the thirty-day dispute period, including setting a deadline for payment
 within the 30-day period prescribed by § 1692g and threatening to take
 legal action against Plaintiff if he did not pay by that time (§ 1692g(b)).

15 8. Defendant's aforementioned activities, set out in paragraph 8, also
 16 constitute an intentional intrusion into Plaintiff's private places and into private
 17 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
 18 person. With respect to the setting that was the target of Defendant's intrusions,
 19 Plaintiff had a subjective expectation of privacy that was objectively reasonable
 20 under the circumstances.

23 9. As a result of Defendant's behavior, detailed above, Plaintiff
 24 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
 25 embarrassment, mental anguish and emotional distress.

1 **COUNT I: VIOLATION OF FAIR DEBT**
 2 **COLLECTION PRACTICES ACT**

3 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
 4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 7
 8 against the Defendant for the following:

- 9 A. Declaratory judgment that Defendant's conduct
 10 violated the FDCPA;
- 11 B. Actual damages;
- 12 C. Statutory damages;
- 13 D. Costs and reasonable attorney's fees; and,
- 14 E. For such other and further relief as may be just and proper.

15 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
 16
 17 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
 18 **CONSUMER PROTECTION ACT**

19 20. Plaintiff reincorporates by reference all of the preceding paragraphs.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 23
 24 against the Defendant for the following:

- 25 A. Actual damages;
- 26 B. Discretionary Treble Damages;

- 1 C. Costs and reasonable attorney's fees,
2 D. For such other and further relief as may be just and proper.
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4

5 Respectfully submitted this 28th day of September, 2009.

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7 s/Jon N. Robbins
8 Jon N. Robbins
9 WEISBERG & MEYERS, LLC
10 Attorney for Plaintiff
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COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-5

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